

36.11.406 BIODIVERSITY - FINE FILTER APPROACH

(1) Because it cannot assure that the coarse filter approach will adequately address the full range of biodiversity, the department shall also employ a fine filter approach for threatened, endangered, and sensitive species (see ARM 36.11.428 through 36.11.432), that focuses on a single species' habitat requirements to the extent consistent with the Endangered Species Act, 16 U.S.C Sections 1531 through 1544 and 77-5-116, MCA.

(a) The department shall manage for a desired future condition that promotes a diversity of habitat conditions beneficial to wildlife. The fine filter shall support habitat requirements of threatened, endangered, and sensitive wildlife and plant species. Where the coarse filter and fine filter appear to be at odds, the department shall move toward the conditions defined in ARM 36.11.405 consistent with its fiduciary obligations owed to the trust beneficiary. (History: 77-1-202, 77-1-209, 77-5-201, 77-5-204, MCA; IMP, 77-5-116, 77-5-204, 77-5-206, 77-5-207, MCA; 2003 MAR p. 397, NEW, 2003 MAR p. 397, Eff. 3/14/03.)